IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 18181 of 2003

Between:

Vanam Venkata Durga Prasada Rao, S/o. Venkataratnam, Hindu, Properitor, M/s. Raghavendra Enterprises, R. Agraharam, Guntur-3.

..... PETITIONER

AND

1 Authorised Officer, State Bank of Hyderabad. Regional Office, Vijayawada.
2 The Branch Manager, State Bank of Hyderabad, Arundalpet Branch, Main Road, Brodipeta, Guntur - 2.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction in the nature of Mandamus declaring the possession notice of the 1st respondent dated 31.7.2003 issued exercising the powers under Sec. 13(4) of Act 3 of 2002 and Rule 9 of Security Interest Enforcement Rules of 2002, without passing orders on the application of the petitioner dated 9.8.2003 and 27.3.2001 for one time settlement as per the guidelines of the Reserve Bank of India is illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India;

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

For the Respondent : Mr.K.V.SIMHADRI

The Court Made the Following :

ORDER:

In view of the law declared by the Supreme Court in ***MARDIA CHEMICAL Ld., V. UNION OF INDIA***[1]***,*** the remedy available to the petitioner, if any, is only to file an appeal against the impugned notice issued by the respondent-Bank, in exercise of powers conferred under Section 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Act, 2003 (Act 3 of 2002), and can raise all the grounds, which are now raised in the writ petition.

Accordingly, the writ petition is dismissed, leaving it open to the petitioner to file an appeal before the Debts Recovery Tribunal, if so advised. No order as to costs.

21.06.2004
klp/Murthy

ASSISTANT REGISTRAR

//True copy//

SECTION OFFICER

To
1 Authorised Officer, State Bank of Hyderabad. Regional Office, Vijayawada.
2 The Branch Manager, State Bank of Hyderabad, Arundalpet Branch, Main Road, Brodipeta, Guntur - 2.
3. Two C.Ds.

[1] 2004 SCC 311